

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CLEBERSON QUADRELLI	)	
and ABDY NIZEYIMANA, on behalf of	)	
themselves and all others similarly situated,	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 20-10685-ADB
	)	
ANTONE MONIZ, Superintendent of the	)	
Plymouth County Correctional Facility	)	
	)	
Respondent.	)	

**RESPONDENT’S MOTION TO DENY PETITIONERS’  
SECOND AMENDED EMERGENCY PETITION FOR LACK OF  
SUBJECT MATTER JURISDICTION AND FAILURE TO STATE A CLAIM**

Respondent Antone Moniz, Superintendent of the Plymouth County Correctional Facility (“Respondent”), by and through his attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully moves this Court, pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, to deny Petitioner Cleberson Quadrelli’s and Petitioner Jermaine Abdy Nizeyimana’s Second Amended Emergency Petition for Writ of Habeas Corpus and Injunctive Relief (the “Amended Petition”) for lack of subject matter jurisdiction and for failure to state a claim on which relief can be granted.

The grounds for this motion are set forth in the accompanying memorandum of law.

WHEREFORE, Respondent respectfully requests that the Court deny the Amended Petition and dismiss this case. Alternatively, Respondent respectfully requests that the Court not allow discovery absent motion practice and a finding of good cause for the specific discovery sought.

Respectfully submitted,

ANDREW E. LELLING,  
United States Attorney

By: /s/ Jason C. Weida  
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Dated: June 12, 2020

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I hereby certify that, by telephone on June 11, 2020, I conferred with counsel for Petitioner, who would not assent to the relief sought in this motion.

/s/ Jason C. Weida  
Jason C. Weida  
Assistant U.S. Attorney